

REMARKS

Applicant wishes to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application based on the following remarks.

Claims 1-12 are pending in the application, with claims 1, 2, 5, 6, and 9-11 being in independent form.

Rejection of Claims Under 35 U.S.C. §102

Claims 1-12 are rejected under 35 U.S.C. § 102(e) as anticipated by Chen et al., U.S. Patent Application Publication No. 2004/0162083 (hereinafter "Chen"). This rejection should be withdrawn based on the comments and remarks herein.

Chen discloses techniques for wireless communications, in which a mobile station transmits a packet of data using one or more subpackets. Retransmission techniques may include a positive Acknowledgement (ACK) sent when the first subpacket is received without error (paragraph [0082]). Chen teaches that if the first subpacket is not received correctly, "...the process [of sending and acknowledgement] may be repeated indefinitely, although it is common to specify a maximum number of subpackets." (paragraph [0082]). Chen discloses that if the base station decides that the mobile should not continue transmitting, an ACK could be sent so that the mobile would be aware that no retransmission will be necessary (paragraph [0166]). Hence, Chen discloses a known method in which the mobile transmits until a packet is successfully received or a maximum number of transmissions is exceeded. Chen does not teach or suggest acknowledging only transmitted block data that is a duplicate of prior data, e.g., other data that has the same packet data. Thus, Chen does not teach or suggest "transmitting a reception acknowledge signal for other block data containing, as packet data, only packet data

that belongs to the same packet as the packet contained in the block data detected by the monitoring means”, as recited in independent claims 1, 5 and 9. This inventive method advantageously eliminates retransmission of data from the wireless apparatus, resulting in improvement in the transmission efficiency.

Chen also does not teach or suggest giving notification even when a predetermined number of retransmissions of the block data is reached. Chen merely teaches, as discussed above, that if the first packet is not correctly received, either processing continues indefinitely or processing stops after transmission of a maximum number of subpackets occurs. Chen does not teach notification or an action, e.g., performing control to inhibit transmission, in response to notification. Chen also does not teach or suggest “performing control to inhibit transmission of block data containing, as packet data, only packet data that belongs to the same packet as that contained in the block data” as recited in independent claims 2, 6, 10, and 11.

It has been held by the courts that “Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al.*, 730 F.2d 1452, 221 USPQ 481 (Fed. Cir. 1984). As illustrated above, Chen does not disclose either transmitting a reception acknowledge signal for other block data containing, as packet data, only packet data that belongs to the same packet as the packet contained in the block data detected by the monitoring means, or performing control to inhibit transmission of block data containing, as packet data, only packet data that belongs to the same packet as that contained in the block data, so that Chen does not disclose every feature of the invention as recited in independent claims 1, 2, 5, 6 and 9-11. Consequently, these independent claims are not anticipated by the art of record in the application. Each dependent claim incorporates all of the

features and limitations of its base claim, so that these dependent claims are not anticipated by the art of record in the application for at least the reasons that their base claims are not anticipated by the art of record in the application.

Accordingly, this rejection should be withdrawn.

Conclusion

In light of the foregoing, Applicant respectfully submits that all pending claims recite patentable subject matter, and kindly solicit an early and favorable indication of allowability. If the Examiner has any reservation in allowing the claims, and believes a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully Submitted,



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